

16569 U.S. PTO  
020504

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PTO/SB/05 (01-04)  
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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 298-226  
First Inventor BALLERT  
Title A DRIVE WITH A HYDRO MACHINE  
Express Mail Label No. EL995744522US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 17]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 2]
5. Oath or Declaration [Total Pages ]
  - a. ☐ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))
  - b. ☐ (for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents, P. O. Box 1450  
Alexandria, VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Check for \$770.00

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_  
Prior application information: Examiner \_\_\_\_\_ Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label [Insert Customer No. or Attach bar code (see here)] or ☒ Correspondence address below

Name Rocco S. Barrese, Esq.  
DILWORTH & BARRESE, LLP  
Address 333 Earle Ovington Blvd.  
City Uniondale State New York Zip Code 11553  
Country U.S.A Telephone (516) 228-8484 Fax (516) 228-8516

Name (Print/Type) George M. Kaplan, Esq. Registration No. (Attorney/Agent) 28,375  
Signature [Signature] Date February 5, 2004

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EL995744522US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 5, 2004

[Signature]  
George M. Kaplan

22141 U.S. PTO  
10/772925

020504

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**UTILITY APPLICATION DATA SHEET UNDER 37 C.F.R. §1.76**

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s): Johann Ballert and André Droux

For: A DRIVE WITH A HYDRO MACHINE

Enclosed are:

- [ \* ] 12 page(s) of specification  
[ \* ] 1 page(s) of abstract  
[ \* ] 4 page(s) of claims (1-13)  
[ \* ] 2 sheets of drawings [X] formal [ ] informal (Figs. 1-2)  
[ \* ] 9 page(s) of preliminary amendment

ASSIGNEE NAME: \_\_\_\_\_

ASSIGNEE RESIDENCE: \_\_\_\_\_

**CERTIFICATION UNDER 37 C.F.R. § 1.10**

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date February 5, 2004 in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EV995744522US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 5, 2004

  
George M. Kaplan

- ☐ This application claims the benefit under 35 U.S.C. §119(e) of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:

/

FILING DATE

- ☒ Certified copy of application

Country

Appl. No.

Filed

GERMANY

103 04 665.8

February 5, 2003

from which priority under Title 35 United States Code, § 119 is claimed

☐ is enclosed.

☒ will follow.

**CALCULATION OF UTILITY APPLICATION FEE \***

| For   | Number Filed | Number Extra | Rate           | Basic Fee<br>\$770.00 |
|---|--------------|--------------|----------------|-----------------------|
| TOTAL CLAIMS **                                 | 20-20        | 0            | x 18 =         | \$0.00                |
| INDEPENDENT<br>CLAIMS                           | 1-3          | 0            | x 86 =         | \$ .00                |
| <input type="checkbox"/> Multiple Dep.<br>Claim |              |              | 290            | \$ .00                |
|   |              |              | TOTAL \$770.00 |                       |

- ☐ Small Entity Status is claimed Under 37 C.F.R. § 1.27. Reduced fees under 37 C.F.R. § 1.9(f) (50% of total) paid herewith \$ .00.
- ☐ The amount of \$40.00 for recording the attached Assignment is enclosed as a separate check.
- ☒ Check in the amount of \$770.00 to cover the ☒ filing fee(s) is attached.

\* Based upon accompanying Preliminary Amendment

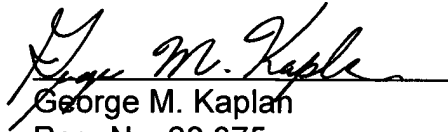
\*\* includes all independent and single dependent claims and all claims referred to in multiple dependent claims. See 37 C.F.R. § 1.75(c).

☐ Charge fee to Deposit Account No. 04-1121.  
TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and 1.17, at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 04-1121. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 04-1121 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

Date: February 5, 2004


  
George M. Kaplan  
Reg. No. 28,375  
Attorney for Applicant

**DILWORTH & BARRESE, LLP**  
333 Earle Ovington Blvd.  
Uniondale, NY 11553  
Tel. No. (516) 228-8484  
Fax. (516) 228-8516

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